

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

DESERT PINE HOMEOWNERS ASSOCIATION,
 et al.,

Defendants.

Case No. 2:16-cv-00725-JCM-NJK

ORDER

(Docket No. 42)

Pending before the Court is Defendants' joint motion to stay, filed on an emergency basis. Docket No. 42. Plaintiff filed a response, and Defendant SFR filed a reply. Docket Nos. 44, 45. Plaintiff and Defendant SFR also filed supplemental briefing in accordance with the Court's November 14, 2016 order. Docket Nos. 57, 58, 60. The Court finds this motion properly resolved without a hearing. *See* Local Rule 78-1.

Defendants' joint motion to stay was originally filed based on the pendency of the Ninth Circuit's mandate regarding a petition to rehear *en banc Bourne Valley Court Tr. v. Wells Fargo Bank, Nat'l Ass'n*, 832 F.3d 1154 (9th Cir. 2016). *See, e.g.*, Docket No. 42 at 3 ("[T]he Ninth Circuit's ultimate resolution of this issue may have a dispositive effect upon this litigation.") The Ninth Circuit has now denied the petition for rehearing *en banc* and has issued its mandate. Thus, *Bourne Valley* is now controlling law in this Circuit.

Accordingly, Defendants' joint motion to stay, Docket No. 42, is hereby **DENIED**.

IT IS SO ORDERED.

DATED: January 12, 2017



 NANCY J. KOPPE
 United States Magistrate Judge